

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARGNI, INC.,

Plaintiff,

CIVIL ACTION NO. 09-CV-11931

vs.

DISTRICT JUDGE MARIANNE O. BATTANI

MICHAEL WYLIE,

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendant.

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**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION TO  
COMPEL ANSWERS TO FIRST SET OF INTERROGATORIES AND THE  
PRODUCTION OF DOCUMENTS (DOCKET NO. 11)**

This matter comes before the Court on Plaintiff's Motion to Compel Answers to First Set of Interrogatories and the Production of Documents filed on September 10, 2009. (Docket No. 11). The Defendant is *pro se* and filed a pleading captioned "Motion for Extension of Time to File Response/Reply to Interrogatories, Requests for Admissions and the Production of Documents" on September 25, 2009. (Docket No. 14). Defendant's motion was filed within the time period set for filing a response to Plaintiff's Motion to Compel. *See* Fed.R.Civ.P. 6(d); E.D. Mich. L.R. 7.1(d)(2)(B). Defendant's motion states that he will respond to the Plaintiff's discovery requests, and is therefore responsive to the Plaintiff's Motion to Compel. (Docket No. 14). Plaintiff filed a timely Reply brief pursuant to LR 7.1(d)(2)(C) as if the Defendant had filed a response to the Plaintiff's motion. Accordingly, the Court will treat Defendant's Motion for an Extension of Time as a timely response to Plaintiff's Motion to Compel.

The Motion to Compel has been referred to the undersigned for decision pursuant to 28

U.S.C. § 636(b)(1)(A). (Docket no. 12). The Court dispenses with oral argument on the Plaintiff's motion pursuant to LR 7.1(e). The matter is now ready for ruling.

Plaintiff served its First Set of Interrogatories and Document Requests on Defendant on July 23, 2009. (Docket No. 11). Defendant's responses were due on August 25, 2009. (*Id.*). The parties agree that the Defendant has not responded to the Plaintiff's discovery requests. (Dockets Nos. 11, 14, 15). The Court has not been provided a copy of the discovery requests as required under LR 37.2. However, the Defendant has not objected to the requests at this time and indicates his intent to respond. (Docket No. 14).

**IT IS THEREFORE ORDERED** that Plaintiff's Motion to Compel (Docket No. 11) is **GRANTED IN PART AND DENIED IN PART**. Defendant will serve his written responses to Plaintiff's First Set of Interrogatories and First Set of Document Requests on Plaintiff in accordance with Fed.R.Civ.P. 26, 33, and 34 within 10 days of the date of entry of this Order. Plaintiff's request for sanctions in the form of attorneys' fees is denied without prejudice in light of its failure to comply with LR 37.2 in filing this motion.

**Failure to comply with this Order may result in sanctions including prohibiting the noncompliant party from supporting or opposing claims or defenses, or prohibiting that party from introducing designated matters in evidence.**

**NOTICE TO THE PARTIES**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: October 13, 2009

s/ Mona K. Majzoub  
MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE

**PROOF OF SERVICE**

I hereby certify that a copy of this Opinion and Order was served upon Counsel of Record on this date.

Dated: October 13, 2009

s/ Lisa C. Bartlett  
Case Manager